

DAMAR D. RUFFIN,

Plaintiff,

V.

**POSTAL INSPECTOR MARC
KUDLEY, et al.,**

Defendants.

Case No. 1:18-cv-2830

Judge Dan Aaron Polster

MEMORANDUM OPINION AND ORDER

On May 9, 2019, this Court issued a Memorandum Opinion and Order, Doc #: 10, dismissing Plaintiff's federal claims pursuant to 28 U.S.C. § 1915(e) and dismissing Plaintiff's state law claims without prejudice. The Court found that Plaintiff's federal claims were time-barred. Doc #: 10 at 5. Plaintiff's §§ 1983, 1985, and *Bivens* claims were all subject to a two-year statute of limitations. As the Court stated in its previous Memorandum Opinion and Order, the last possible date that Plaintiff's claims could have accrued was October 24, 2016, when Plaintiff was ordered released. Plaintiff did not file his original complaint until December 10, 2018. Thus, Plaintiff's complaint was filed about a month and a half after the statute of limitations had run.

Plaintiff filed a Motion to Reconsider, Doc #: 13, on May 31, 2019, arguing that the statute of limitations should have been equitably tolled during the time that he was incarcerated without access to legal materials. *See* Mot. at 3. He argues that between February 1, 2018 and May 15, 2018, he was denied access to legal materials and could not file his lawsuit. *Id.* He also asserts that the statute of limitations should be tolled an additional thirty-seven days to account for time that he was placed in lockdown. *Id.* However, this accounts for only about six months of the two-

year statute of limitations. Plaintiff had an additional year and a half to file his complaint, which he did not timely do. Therefore, the Court does not find Plaintiff's equitable tolling arguments persuasive. Plaintiff asserts several additional reasons that the Court should reconsider its May 9, 2019 Memorandum Opinion and Order. However, the Court has already addressed these issues in said order. Accordingly, Plaintiff's Motion to Reconsider, Doc #: 13, is **DENIED**.

IT IS SO ORDERED.

/s/ Dan Aaron Polster June 10, 2019
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE